

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

JAMES D. JOHNSON, et al.

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:0cv251LN

HALEY BARBOUR, et al.

DEFENDANTS

DEFENDANTS' MOTION TO EXTEND DEADLINE FOR FILING MOTIONS

COME NOW, Haley Barbour, et al., the Defendants, by and through counsel, and file this Motion requesting that the deadline for filing Motions as set forth in the revised Case Management Order, be amended, stating as follows:

1.

This lawsuit is designated as complex litigation and addresses significant constitutional and legal issues important to both the Plaintiffs and the State of Mississippi. These issues are intricately bound up with state laws, regulations, and procedures involving the administration of Mississippi's child welfare system.

2.

Approximately 140,000 pages of documents have been produced during the course of discovery. The discovery deadline is April 17, 2006. The deadline for submitting motions, other than motions *in limine*, is May 1, 2006.

3.

On February 17, 2006, the Plaintiffs designated five (5) expert witnesses. Dr. Bill M. Brister was designated as an expert relative to funding, spending, fiscal management, and related budgetary issues in regard to the Department of Human Services. Dr. Brister's report totals 21

pages and references hundreds of documents. Catherine R. Crabtree was designated as an expert in the management of the Division of Family and Children Services. Ms Crabtree's report is 100 pages in length and references hundreds of documents. Dr. Peg McCartt Hess was designated as an expert relative to the adequacy of case work practice and placement services provided by the Department of Human Services. Dr. Hess' report is 156 pages in length and references thousands of documents. Dr. Wood C. Hiatt was designated as a child psychiatrist expert. Dr. Hiatt's report is 29 pages in length. Dr. Marva L. Lewis was designated as an expert relative to the named Plaintiff's and systemic issues regarding the Department of Human Services. Dr. Lewis' report is 141 pages in length and references thousands of documents.

4.

On February 16, 2006, the Plaintiffs produced approximately 14,000 pages of documents in support of their expert witnesses. On February 17, 2006, the Defendants served written expert discovery on the Plaintiffs. The Plaintiffs responses to that expert discovery are due on March 20, 2006. The Defendants have scheduled depositions for the Plaintiffs expert witnesses for March 28 and 29, 2006, as well as April 7, 12, and 13, 2006.

5.

The Plaintiff's case is primarily based on reports and testimony of expert witnesses. The Defendants will file multiple dispositive Motions as well as Motions relating to expert witnesses. Those Motions require a significant cross referencing of thousands of pages of discovery with the expert depositions which will be ongoing until just prior to the end of discovery. Because of the novelty, significance and number of issues, as well as discovery concluding within fourteen (14) days of the Motion deadline, the Motions can not be adequately briefed for the Court by

May 1, 2006. Extension of the Motion deadline to June 15, 2006, is necessary to allow the issues to be briefed for the Court.

6.

Due to the self explanatory nature of this Motion, the Defendants respectfully request that they be relieved from filing a supporting memorandum of authorities.

WHEREFORE, PREMISES CONSIDERED, Haley Barbour, et al. respectfully request that this Court amend the Case Management Order to set a deadline of filing Motions, other than Motions *in limine*, for June 15, 2006.

THIS, the 1st day of March, 2006.

Respectfully submitted,

HALEY BARBOUR, as Governor of the State of

Mississippi; DONALD TAYLOR, as Executive Director

**of the Department of Human Services; and
RICKIE FELDER as Director of the Division of
Family and Children's Services**

BY: /s/ Dewitt L. ("Rusty") Fortenberry, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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I also certify that I have this day served a copy of the foregoing on the following non-ECF participants by United States Mail, postage prepaid:

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SO CERTIFIED, this the 1st day of March, 2006.

/s/ Dewitt L. ("Rusty") Fortenberry, Jr.